IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11439 of 2000
with
CIVIL APPLICATION NO.2717 OF 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARUNSINH TAPUJI CHUDASMA & 5 - Petitioners
Versus
STATE OF GUJARAT & 2 - Respondents

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Appearance :
MR IS SUPEHIA for Petitioners : 1 - 6.
MR KETAN DWIVEDI AGP for Respondents : 1,
MR DG CHAUHAN for Respondents : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 16/08/2007

COMMON ORAL JUDGMENT

1. Shri Supehia, learned counsel appearing for the petitioners submits that order dated 20.4.2000

had been passed without affording an opportunity to the affected employees i.e the petitioners and others. The result of this order has entailed civil consequences as the protection of pay granted to them was sought to be withdrawn and recovery was ordered to be effected. Therefore, as per the established principles of law, they were required to be heard by the Competent Authority. Shri Supehia submits that this Court has granted ad-interim relief, which has been confirmed by this Court (Coram: H.K.Rathod, J.) vide order dated 29.11.2001 while admitting the matter. Shri Supehia submits that petitioners may approach the concerned respondent i.e. Respondent No.1 – State of Gujarat, Agriculture and Co-operative Department, Sachivalaya, Gandhinagar for redressal of their grievances against the order dated 20.4.2000 and till the representation is decided, the interim order passed by this Court may continue.

2. Shri Chauhan, learned counsel appearing for the respondent Nos. 2 and 3 submitted that there shall not be any objection against such a request. However, it may be noted that the hearing is sought from the State Authority and petitioners thereafter may not make grievances about their being not heard by the University.

3. Shri Dwivedi, learned AGP for respondent – State

also submits that the respondent No. 1 may decide the representation within stipulated time.

4. In view of the aforesaid, this Court is incline to issue the following directions to respondent No. 1 i.e the State of Gujarat, Secretary, Agriculture and Co-operative Department, Sachivalaya, Gandhinagar. The petitioners and other similarly situated persons may make appropriate representation against the order dated 20.4.2000 enlisting the grievances as well as the grievances made in Special Civil Application No. 6897 of 2002. If any such representation is made by the petitioners and other similarly situated persons under the order of this Court, then the respondent No. 1 shall depute an Officer, not below the rank of Deputy Secretary to hear the petitioners and other similarly situated persons and after hearing them, pass appropriate order in accordance with law. The entire proceedings shall be over within a period of 6 months from the date of receipt of the representation. The interim relief granted by this Court vide order dated 29.11.2001 shall continue till the representation is decided by the authority as aforesaid.

5. Shri Supehia, learned counsel for the petitioners has ensured this Court that petitioners shall remain present on the date

fixed by the State of Gujarat for hearing.

6. In view of the aforesaid directions, Shri Supehia seeks permission to withdraw this petition with a liberty to approach this Court in case of any difficulties. The liberty as sought for is granted. The petition is disposed of accordingly. Rule is discharged. There shall be no order as to costs.

7. In view of the order passed in Special Civil Application No. 11439 of 2000, this Civil Application does not survive and is disposed of accordingly.

(S.R.BRAHMBHATT, J.)

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